

Notice of Allowability

Application No.

09/681,975

Examiner

Ayal I. Sharon

Applicant(s)

KAMACHI ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 5/17/05.
2. ☒ The allowed claim(s) is/are 14-20.
3. ☒ The drawings filed on 02 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Introduction

1. Claims 1-13 of U.S. Application 09/681,975 were originally filed on 07/02/2001.
The application claims priority to Japanese application P2000-199664, filed on 06/30/2000.
2. The instant application has been published as U.S. PG-PUB 2002/20002514 A1.
3. In the Amendment filed on 5/17/2005, the Applicants have cancelled claims 1-13.
New claims 14-20 have been added.

Claim Interpretations

4. The instant application defines "benefit information" as corresponding to "points"
(see the PG-PUB, paragraph 40, emphasis added):

(para. 40) In a step S18, **benefit information (points, etc.)** is transmitted from the real-store terminal 10 to the user terminal 2 via the network 13 (6 in Fig.3). In a step S20, in the user terminal 2, the benefit information is written to the IC card 4 by the reader/writer 3 (7 of the Fig.3). In a step S22, when the user brings the IC card 4, on which the benefit information is written, to the real store (8 in Fig.3), **the real store provides the user with services (gift, etc.) that are equivalent to the benefit information** (9 in Fig.3).
5. Furthermore, the instant application also defines the "benefit information" as
being a transferable currency among participating vendors (see the PG-PUB,
paragraph 34, emphasis added):

(para. 34) Moreover, on the user side, benefit information from the real store 16a corresponding to the above-mentioned virtual store 17a is recorded in an IC card 4. The user can enjoy services (gifts, etc.)

equivalent to the benefit information by bringing the IC card 4 to the real store 16a. In this connection, if the real store 16a is one of point-card member stores, or the like, **the user may also enjoy the corresponding service by bringing the IC card 4 to a point-card member store other than the real store 16a corresponding to the virtual store 17a where the user purchased the "desk"**. Furthermore, when the user purchases a "flower" in the real store 16b, a "flower", which is a virtual commodity corresponding to the "flower" as a real commodity (that is to say, its image data), is delivered to the virtual room 15 from the virtual store 17b corresponding to the real store 16b.

Examiner's Notice of Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance.
7. In the previous Office Action, the Examiner rejected claims 1, 5-7 and 10-12.

Claims 2, 3, 8, 9 and 13 were objected to, on the grounds of being dependent upon a rejected base claim.

8. The cited prior art was:

- a. Underwood, L. "Make House a Home, with Net's Help." Star Tribune. Minneapolis, Minn.: June 15, 2000. p.2. (Henceforth referred to as "Underwood").
- b. Bourdelais, M., U.S. Patent 6,727,925. (Henceforth referred to as "Bourdelais").
- c. Postrel, R., U.S. Patent 6,594,640. (Henceforth referred to as "Postrel").
- d. Furniture.com Security Policy, May 10, 2000. Obtained from the Archive.org web site. (Henceforth referred to as "Furniture.com Security Policy").

- e. Microsoft Press Computer User's Dictionary, © 1998. Definition for "smart card", p.320

9. The limitations of (now cancelled) independent claim 1 were rejected in the previous Office Action under 35 U.S.C. 103(a) as being unpatentable over Underwood in view of Bourdelais, further in view of Furniture.com Security Policy, and further in view of Postrel.

10. More specifically, the rejection of (now cancelled) Claim 1 was as follows:

1. A virtual-space providing apparatus which is connected to a user terminal via a network, and which provides said user terminal with various kinds of services through a three-dimensional virtual space created in the network, said virtual-space providing apparatus comprising:

virtual room providing means for providing a virtual room imitating a real room of a user using said user terminal, which can be browsed using the user terminal connected via the network, on the three-dimensional virtual space;

Underwood expressly teaches the following:

Try the nifty, interactive "Room Planner" to find out if a sectional and coffee table will fit in your living room. (You need to download the Macromedia Flash program). Type in your room's dimension, add windows and doors and then "arrange" furniture in a virtual room. The feature only works with furniture chosen from furniture.com. (see Underwood, p.2)

However, Underwood does not expressly teach that the virtual room is represented in a three dimensional space. Bourdelais, on the other hand, expressly teaches the following:

In step S1501, the user specifies attributes for a room. For example, the user specifies a room type from room type options 66 shown in Figs.4 and 5. The browser then shows a perspective view of a room, for example as shown in Fig.6. The user preferably can specify further attributes for the room, for example using room attributes box 72 shown in Fig.6. (see Bourdelais: col.12, line 65 to col.13, line 5)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Underwood with those of Bourdelais, because "... conventional web sites do not permit users to add user-specified furnishings to one of these settings and then to view a photorealistic perspective image of the setting with the added furnishings." (See Bourdelais, col.1, lines 32-36).

In regards to the following limitation:

virtual store providing means for providing a virtual store on the user terminal connected via the network, said virtual store selling virtual commodities imitating real commodities, on the three-dimensional virtual space; and

Underwood expressly teaches that the furniture displayed in the "Room Planner" represents the furniture sold in a "virtual store":

Try the nifty, interactive "Room Planner" to find out if a sectional and coffee table will fit in your living room. (You need to download the Macromedia Flash program). Type in your room's dimension, add windows and doors and then "arrange" furniture in a virtual room. The feature only works with furniture chosen from furniture.com.

Among the customer-friendly perks are free delivery for home accessories, such as rugs and lamps, design help from experts by phone or e-mail and sample fabric swatches sent to you by snail mail. If you order furniture, it's \$95 per order for delivery and set-up.

Shoppers have 30 days for returns. Furniture.com will pay for return shipping.

(see Underwood, p.2)

In regards to the following limitation,

benefit-information transmitting means, wherein, when the user purchases a virtual commodity in the virtual store provided by said virtual store providing means using said user terminal, benefit information showing a benefit of purchasing the virtual commodity is transmitted to said user terminal.

Underwood implies that it is possible to purchase the "virtual commodity ... using said terminal", but does not expressly teach this. Furniture.com Security Policy, on the other hand, expressly teaches the following:

At Furniture.com, our customers are our number one priority. That's why we go to such great lengths to guarantee the security of all credit card transactions. ... Although we provide guaranteed order security, Furniture.com understands if some customers would prefer not to use their credit cards online.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Underwood with those of Furniture.com Security Policy, because both references pertain to the same website: Furniture.com.

Finally, in regards to the "benefit-information transmitting means" claimed in the last limitation, Underwood is silent. Postrel, on the other hand, expressly teaches:

The '870 patent provides a system whereby the user can make purchase of products over the Internet and receive award points, which are stored in an associated database. The user can subsequently view an award catalog to determine which awards he may be able to redeem based on the number of points in his account.
(see col.1, lines 50-55)

Tie-in promotions have been introduced over the past several years that have allowed purchases for goods and services such as hotel or car rentals to accumulate award miles that are then recorded on the airline reward system. More recently credit card companies offer cards where a mile award is made for every dollar spent using that credit card. These cards may additionally award bonus miles in coordination with user purchases of preferred products.
(see col.3, line 60 to col.4, line 2)

Art Unit: 2123

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Underwood with those of Postrel, because, as taught by Postrel:

In order to attract and retain business customers, airlines, hotels, car rental companies, chain retailers, telecom providers, etc. have historically introduced frequent use programs that offer awards of 'frequent flyer miles' or other such incentive schemes based on the distance traveled or use by that customer.
(see col.1, lines 30-45)

11. In regards to (now cancelled) Claim 2, Examiner stated in the previous Office Action that the cited prior art, neither individually nor in combination, does not teach the following specific sequence of steps:

2. A virtual-space providing apparatus according to Claim 1, wherein, when a virtual commodity is purchased in the virtual store using said user terminal, said virtual store providing means places the virtual commodity in the virtual room.

12. In regards to (now cancelled) Claim 3, Examiner stated in the previous Office Action that the cited prior art, neither individually nor in combination, does not teach the following specific sequence of steps:

3. A virtual-space providing apparatus according to Claim 1, wherein, when a commodity is purchased in the real store, said virtual store providing means places a virtual commodity imitating the real commodity in the virtual room.

13. In regards to (now cancelled) Claim 8, it was objected to based on the same reasoning as claim 2. Claim 8 was a system claim that recited limitations equivalent to those recited in apparatus claim 2.

14. In regards to (now cancelled) Claim 9, it was objected to based on the same reasoning as claim 3. Claim 9 was a system claim that recited limitations equivalent to those recited in apparatus claim 3.

Art Unit: 2123

15. In regards to (now cancelled) Claim 13, it was objected to based on the same reasoning as claim 2. Claim 13 was a method claim that recited limitations equivalent to those recited in apparatus claim 2.

16. New claims 14, 16, and 18-20 represent the independent form of objected to (and now cancelled) dependent claims 2, 3, 8, 9, and 13.

17. New claim 15 depends from allowable new claim 14, and new claim 17 depends from allowable new claim 16.

18. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a biweek, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached at (571) 272-3749.

Any response to this office action should be faxed to (571) 273- 8300, or mailed to:

USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 2123

or hand carried to:


USPTO
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon

Art Unit 2123

July 12, 2005


Paul L. Rodriguez 7/15/05
Primary Examiner
Art Unit 2125